



28/12/95

Transmittal Note

SUPPLEMENT TO
ANNEX 13 — AIRCRAFT ACCIDENT AND
INCIDENT INVESTIGATION
(Eighth Edition)

1. The attached Supplement supersedes all previous Supplements to Annex 13 and includes differences notified by Contracting States up to 28 December 1995.
 2. This Supplement should be inserted at the end of Annex 13, Eighth Edition. Additional differences and revised comments received from Contracting States will be issued at intervals as amendments to this Supplement.
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SUPPLEMENT TO ANNEX 13 — EIGHTH EDITION

**AIRCRAFT ACCIDENT AND
INCIDENT INVESTIGATION**

Differences between the national regulations and practices of Contracting States and the corresponding International Standards and Recommended Practices contained in Annex 13, as notified to ICAO in accordance with Article 38 of the *Convention on International Civil Aviation* and the Council's resolution of 21 November 1950.

DECEMBER 1995

INTERNATIONAL CIVIL AVIATION ORGANIZATION

RECORD OF AMENDMENTS TO SUPPLEMENT

<i>No.</i>	<i>Date</i>	<i>Entered by</i>	<i>No.</i>	<i>Date</i>	<i>Entered by</i>

AMENDMENTS TO ANNEX 13 ADOPTED OR APPROVED BY THE COUNCIL SUBSEQUENT TO THE EIGHTH EDITION ISSUED JULY 1994

<i>No.</i>	<i>Date of adoption or approval</i>	<i>Date applicable</i>	<i>No.</i>	<i>Date of adoption or approval</i>	<i>Date applicable</i>

1. Contracting States which have notified ICAO of differences

The Contracting States listed below have notified ICAO of differences which exist between their national regulations and practices and the International Standards and Recommended Practices of Annex 13, Eighth Edition, or have commented on their implementation.

The page numbers shown for each State and the dates of publication of those pages correspond to the actual pages in this Supplement.

<i>State</i>	<i>Date of notification</i>	<i>Pages in Supplement</i>	<i>Date of publication</i>
Argentina	3/8/94	1	28/12/95
Austria	10/11/94	1	28/12/95
Denmark	26/9/94	1	28/12/95
Finland	4/10/94	1	28/12/95
Greece	4/7/95	1	28/12/95
Iceland	25/7/94	1	28/12/95
India	26/12/94	1	28/12/95
Iran, Islamic Republic of	31/10/94	1	28/12/95
Netherlands, Kingdom of the	29/9/94	1	28/12/95
Russian Federation	7/10/94	1	28/12/95
Sweden	23/8/94	1	28/12/95
Switzerland	9/9/94	1	28/12/95
Tunisia	10/10/94	1	28/12/95
United Kingdom	11/10/94	1	28/12/95
United States	26/10/94	1	28/12/95
Vanuatu	5/8/94	1	28/12/95

2. Contracting States which have notified ICAO that no differences exist

<i>State</i>	<i>Date of notification</i>	<i>State</i>	<i>Date of notification</i>
Bahrain	21/6/94	Maldives	13/9/94
Bangladesh	10/12/94	Monaco	1/7/94
Barbados	2/6/94	Oman	21/9/94
Belize	18/10/94	Pakistan	11/10/94
Canada	7/10/94	Papua New Guinea	13/10/94
Costa Rica	10/2/95	Qatar	17/10/94
Egypt	27/8/94	Seychelles	4/7/94
Estonia	27/9/94	Spain	4/7/94
Fiji	24/5/94	Togo	21/7/94
Gabon	11/7/94	Uruguay	21/9/94
Germany	7/9/94	Uzbekistan	5/10/94
Haiti	25/10/94	Venezuela	1/11/95
Jordan	6/7/94	Zambia	27/9/94

3. Contracting States from which no information has been received

Afghanistan	Georgia	Niger
Albania	Ghana	Nigeria
Algeria	Grenada	Norway
Angola	Guatemala	Palau
Antigua and Barbuda	Guinea	Panama
Armenia	Guinea-Bissau	Paraguay
Australia	Guyana	Peru
Azerbaijan	Honduras	Philippines
Bahamas	Hungary	Poland
Belarus	Indonesia	Portugal
Belgium	Iraq	Republic of Korea
Benin	Ireland	Republic of Moldova
Bhutan	Israel	Romania
Bolivia	Italy	Rwanda
Bosnia and Herzegovina	Jamaica	Saint Lucia
Botswana	Japan	Saint Vincent and the Grenadines
Brazil	Kazakhstan	San Marino
Brunei Darussalam	Kenya	Sao Tome and Principe
Bulgaria	Kiribati	Saudi Arabia
Burkina Faso	Kuwait	Senegal
Burundi	Kyrgyzstan	Sierra Leone
Cambodia	Lao People's Democratic Republic	Singapore
Cameroon	Latvia	Slovakia
Cape Verde	Lebanon	Slovenia
Central African Republic	Lesotho	Solomon Islands
Chad	Liberia	Somalia
Chile	Libyan Arab Jamahiriya	South Africa
China	Lithuania	Sri Lanka
Colombia	Luxembourg	Sudan
Comoros	Madagascar	Suriname
Congo	Malawi	Swaziland
Cook Islands	Malaysia	Syrian Arab Republic
Côte d'Ivoire	Mali	Tajikistan
Croatia	Malta	Thailand
Cuba	Marshall Islands	The former Yugoslav Republic of Macedonia
Cyprus	Mauritania	Tonga
Czech Republic	Mauritius	Trinidad and Tobago
Democratic People's Republic of Korea	Mexico	Turkey
Djibouti	Micronesia, Federated States of	Turkmenistan
Dominican Republic	Mongolia	Uganda
Ecuador	Morocco	Ukraine
El Salvador	Mozambique	United Arab Emirates
Equatorial Guinea	Myanmar	United Republic of Tanzania
Eritrea	Namibia	Viet Nam
Ethiopia	Nauru	Yemen
France	Nepal	Zaire
Gambia	New Zealand	Zimbabwe
	Nicaragua	

4. Paragraphs with respect to which differences have been notified

<i>Paragraph</i>	<i>Differences notified by</i>	<i>Paragraph</i>	<i>Differences notified by</i>
General	Vanuatu	5.17	India
Chapter 1		5.24.1	Tunisia
Definitions	Argentina	5.25	India
	Russian Federation		Tunisia
2.1	India	5.25 h)	United States
3.4	India	5.26 b)	United States
	Iran, Islamic Republic of	6.9	India
		6.13	United Kingdom
Chapter 4	Austria		Sweden
4.7	Argentina		United States
4.8	Iran, Islamic Republic of		
Chapter 5	Austria		
5.3	Greece		
5.3.1	Greece		
5.12	Austria		
	Denmark		
	Finland		
	Iceland		
	Netherlands, Kingdom of the		
	Sweden		
	Switzerland		
	United States		

CHAPTER 1

Definitions The definition of “accident” in the Argentine regulations reads:

“For the purposes of the application of this Decree, an aircraft accident shall be understood as any event which occurs while the aircraft is operated and which causes the death of or injuries to any person or damage to the aircraft or which causes the aircraft to cause these.”

The difference is that although much shorter, the Argentine definition covers more fields in which an accident investigation must be conducted. It is left to the judgement of the official authorities which conduct the investigation whether to conduct an extensive or abridged inquiry.

In any case this definition applies only to aircraft registered in Argentina. On the other hand, ICAO’s regulations are applied for foreign aircraft.

CHAPTER 4

4.7 Accident reporting is mandatory under Argentine regulations. The same is not true for a serious incident with no personal injuries and/or material damage.

The difference lies in the fact that since there is no obligation to report a serious incident with no personal injuries and/or material damage, it may not be reported by whoever is responsible for or knows about it. Consequently the State of Occurrence cannot notify the corresponding Contracting States or ICAO when it has no knowledge of it.

CHAPTER 4

General Since there is no regulation regarding the investigation of incidents in Austrian law yet, notification according to Chapter 4 cannot be guaranteed.

CHAPTER 5

General On the basis of Austrian aviation law it is in the meantime not possible to investigate incidents in the same way as accidents. Austria has to change some items after becoming a member of the European Community, with effect of these changes there will also be a regulation in Austrian law regarding the investigation of incidents.

5.12 Austrian Law does not allow compliance with 5.12 — Disclosure of records. Pending an investigation records may be treated as confidential, but such confidential treatment expires the very moment the Final Report has been released.

CHAPTER 5

5.12 Paragraph 5.12 is inconsistent with the constitutional Freedom of Information Act in Denmark. Present Danish legislation precludes any possibility to guarantee that the records listed could be afforded any protection from disclosure.

Although no guarantee can be given, all practical steps will be taken to minimize the extent and occurrence of such disclosures.

CHAPTER 5

- 5.12 Finnish legislation is not in compliance with paragraph 5.12 (disclosure of records). During an investigation most records are treated as confidential but, once the investigation is completed, such confidential treatment expires, however, with some exceptions (e.g. private medical information). All practical steps will be taken to minimize the disadvantages caused by any disclosure.
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CHAPTER 5

5.3 Not applicable.

5.3.1 Not applicable. AIP Greece states:

The Search and Rescue area covers an area coinciding with the Athinai FIR. In accordance with the Regional Plan, approved by the Council of the ICAO, Greece is recognized as the only provider State to assume responsibility of search and rescue within Athinai FIR.

CHAPTER 5

- 5.12 No absolute guarantee can be given, that the records will not be disclosed, but all practical steps will be taken, however, to minimize the extent and occurrence of such disclosures.

CHAPTER 2

- 2.1 It is not considered practicable to implement the revised paragraph 2.1. India will continue to follow the pre-revised provision.

CHAPTER 3

- 3.4 It may not be possible to fully comply with this provision. Its status will, therefore, be treated as recommendatory.

CHAPTER 5

- 5.17 It may not be possible to fully comply with this provision. Its status will, therefore, be treated as recommendatory.
- 5.25 It may not be possible to fully comply with this provision. Its status will, therefore, be treated as recommendatory.

CHAPTER 6

- 6.9 It may not be possible to fully comply with this provision. Its status will, therefore, be treated as recommendatory.

CHAPTER 3

3.4 The Islamic Republic of Iran notified difference with paragraph 3.4.

CHAPTER 4

4.8 The Islamic Republic of Iran notified difference with paragraph 4.8.

CHAPTER 5

5.12 As Dutch law puts great emphasis on publicity, it is not possible to determine in general that records, specified in 5.12, shall not be made available for purposes other than accident or incident investigation if disclosure of such records might have an adverse effect on the availability of information in that or any future investigation.

However, a statement of a person during the investigation may not be used as evidence in a lawsuit. Next to this it is possible to exclude certain information from the final report where publication is overridden by the importance of:

- a) detection and prosecution of criminal acts;
 - b) respect for privacy and protection of medical and psychological test results in individual cases;
 - c) avoiding disproportional advantage or disadvantage of those concerned or of third parties;
 - d) the requested confidential treatment of company and manufacturing data and where the data have been obtained from another State and the State in question has not given permission for publication.
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CHAPTER 1

Definitions “Accident”. The fatality of any person on board the aircraft, irrespective of whether that person is one of the passengers and crew or not, is an indication of an accident. The occurrence of injuries to persons not on board the aircraft is not considered as an indication of an accident.

The suffering of severe injuries by anyone is not considered as an indication of an accident.

CHAPTER 5

5.12 This paragraph is inconsistent with the constitutional Freedom of Information in Sweden.

CHAPTER 6

6.13 This paragraph is inconsistent with the constitutional Freedom of Information in Sweden.

CHAPTER 5

5.12 Swiss legislation requires that all documents be made available to judicial authorities and aviation authorities.

Regarding the public and the final report Switzerland has no problems with this paragraph.

CHAPTER 5

5.24.1 This paragraph will continue to be considered as a Recommendation.

5.25 This paragraph will continue to be considered as a Recommendation, keeping the formulation of Amendment 8.

CHAPTER 6

- 6.9 United Kingdom law requires that comments on draft final reports be received within 28 days unless an extension of that time is granted.

CHAPTER 5

- 5.12 Full exchange of information is vital to effective accident investigation and prevention. The United States supports, in principle, measures that are intended to facilitate the development and sharing of information. The laws of the United States require the determination and public reporting of the facts, circumstances, and probable cause of every civil aviation accident. This requirement does not confine the public disclosure of such information to an accident investigation. However, the laws of the United States do provide some protection against public dissemination of certain information of a medical or private nature.

Also, United States law prohibits the disclosure of cockpit voice recordings to the public and limits the disclosure of cockpit voice recording transcript to that specific information which is deemed pertinent and relevant by the investigative authority. However, United States Courts can order the disclosure of the foregoing information for other than accident investigation purposes. The standard for determining access to this information does not consider the adverse domestic or international effects on investigations that might result from such access.

- 5.25 h) Investigative procedures observed by the United States allow full participation in all progress and investigation planning meetings; however, deliberations related to analysis, findings, probable causes, and safety recommendations are restricted to the investigative authority and its staff. However, participation in these areas is extended through timely written submissions, as specified in paragraph 5.25 i).

- 5.26 b) The United States supports, in principle, the privacy of the State conducting the investigation regarding the progress and the findings of that investigation. However, the laws of the United States facilitate the public disclosure of information held by United States government agencies and United States commercial business. The standard for determining public access to information requested from a United States government agency or a commercial business does not consider or require the expressed consent of the State conducting the investigation.

CHAPTER 6

- 6.13 The United States supports the principle of not circulating, publishing, or providing access to a draft report of any part thereof unless such a report or document has already been published or released by the State which conducted the investigation. However, the laws of the United States facilitate the public disclosure of information held by government agencies and commercial business. The United States government may not be able to restrict public access to a draft report or any part thereof on behalf of the State conducting the investigation. The standard for determining public access to information requested from a United States government agency or a commercial business does not consider or require the expressed consent of the State conducting an investigation.

General	Vanuatu does not have any legislation covering Annex 13 and it is not known when such legislation will be introduced.
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